
HOUSE BILL 1836

State of Washington

62nd Legislature

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By Representatives Takko, Jacks, Short, Nealey, Crouse, Morris, and McCune

Read first time 02/04/11. Referred to Committee on Environment.

1 AN ACT Relating to clarifying the definition of qualifying utility
2 in the energy independence act; and amending RCW 19.285.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Attorney general" means the Washington state office of the
9 attorney general.

10 (2) "Auditor" means: (a) The Washington state auditor's office or
11 its designee for qualifying utilities under its jurisdiction that are
12 not investor-owned utilities; or (b) an independent auditor selected by
13 a qualifying utility that is not under the jurisdiction of the state
14 auditor and is not an investor-owned utility.

15 (3) "Commission" means the Washington state utilities and
16 transportation commission.

17 (4) "Conservation" means any reduction in electric power
18 consumption resulting from increases in the efficiency of energy use,
19 production, or distribution.

1 (5) "Cost-effective" has the same meaning as defined in RCW
2 80.52.030.

3 (6) "Council" means the Washington state apprenticeship and
4 training council within the department of labor and industries.

5 (7) "Customer" means a person or entity that purchases electricity
6 for ultimate consumption and not for resale.

7 (8) "Department" means the department of commerce or its successor.

8 (9) "Distributed generation" means an eligible renewable resource
9 where the generation facility or any integrated cluster of such
10 facilities has a generating capacity of not more than five megawatts.

11 (10) "Eligible renewable resource" means:

12 (a) Electricity from a generation facility powered by a renewable
13 resource other than fresh water that commences operation after March
14 31, 1999, where: (i) The facility is located in the Pacific Northwest;
15 or (ii) the electricity from the facility is delivered into Washington
16 state on a real-time basis without shaping, storage, or integration
17 services; or

18 (b) Incremental electricity produced as a result of efficiency
19 improvements completed after March 31, 1999, to hydroelectric
20 generation projects owned by a qualifying utility and located in the
21 Pacific Northwest or to hydroelectric generation in irrigation pipes
22 and canals located in the Pacific Northwest, where the additional
23 generation in either case does not result in new water diversions or
24 impoundments.

25 (11) "Investor-owned utility" has the same meaning as defined in
26 RCW 19.29A.010.

27 (12) "Load" means the amount of kilowatt-hours of electricity
28 delivered in the most recently completed year by a qualifying utility
29 to its Washington retail customers.

30 (13) "Nonpower attributes" means all environmentally related
31 characteristics, exclusive of energy, capacity reliability, and other
32 electrical power service attributes, that are associated with the
33 generation of electricity from a renewable resource, including but not
34 limited to the facility's fuel type, geographic location, vintage,
35 qualification as an eligible renewable resource, and avoided emissions
36 of pollutants to the air, soil, or water, and avoided emissions of
37 carbon dioxide and other greenhouse gases.

1 (14) "Pacific Northwest" has the same meaning as defined for the
2 Bonneville power administration in section 3 of the Pacific Northwest
3 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
4 Sec. 839a).

5 (15) "Public facility" has the same meaning as defined in RCW
6 39.35C.010.

7 (16) "Qualifying utility" means an electric utility, as the term
8 "electric utility" is defined in RCW 19.29A.010, that serves more than
9 twenty-five thousand customers in the state of Washington. The number
10 of customers served may be based on data reported by a utility in form
11 861, "annual electric utility report," filed with the energy
12 information administration, United States department of energy.
13 "Qualifying utility" does not include a utility that has an average of
14 seven or fewer customers per mile of distribution line.

15 (17) "Renewable energy credit" means a tradable certificate of
16 proof of at least one megawatt-hour of an eligible renewable resource
17 where the generation facility is not powered by fresh water, the
18 certificate includes all of the nonpower attributes associated with
19 that one megawatt-hour of electricity, and the certificate is verified
20 by a renewable energy credit tracking system selected by the
21 department.

22 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar
23 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
24 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
25 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
26 on land cleared from old growth or first-growth forests where the
27 clearing occurred after December 7, 2006; and (i) biomass energy based
28 on animal waste or solid organic fuels from wood, forest, or field
29 residues, or dedicated energy crops that do not include (i) wood pieces
30 that have been treated with chemical preservatives such as creosote,
31 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by-
32 product from paper production; (iii) wood from old growth forests; or
33 (iv) municipal solid waste.

34 (19) "Rule" means rules adopted by an agency or other entity of
35 Washington state government to carry out the intent and purposes of
36 this chapter.

1 (20) "Year" means the twelve-month period commencing January 1st
2 and ending December 31st.

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